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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,870

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Dennis Steven DeLorme

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EXAMINER

KIM, PAUL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,870	Applicant(s) DELORME ET AL.	
	Examiner PAUL KIM	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 29 May 2008.
2. Claims 1-7 and 16-27 are pending and present for examination.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 May 2008 has been entered.

Response to Amendment

4. Claims 1 and 4 have been amended.
5. Claims 16-27 have been further cancelled.
6. Claims 28-31 have been newly added.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
8. The rejections of claims 16-27 under 35 U.S.C. 101 are withdrawn in view of Applicant's Amendment.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-7 and 16-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleraux et al (U.S. Patent No. 6,944,620, hereinafter referred to as CLERAUX), filed on 4 November 2002, and issued on 13 September 2005.

11. **As per independent claim 1**, CLERAUX discloses:

A method for maintaining a data structure corresponding to an object having a first link from a first directory and a second link from a second directory in a filesystem, the object to which the data structure corresponds being selected from the group consisting of a file and a directory in the filesystem, the first and second directories being parent directories to the object to which the data structure corresponds, the method comprising the steps of:

storing in the data structure a first anchor point {See CLERAUX, C5:L56-60, wherein this reads over "an internal database for the file information" and C62-65, wherein this reads over "the emulation library 220 will access its internal database to retrieve the information for that special UNIX file"} that references the first directory, said first directory implemented on a first filesystem type {See CLERAUX, C6:L11-21, wherein this reads over "the host system 190 uses a Win32 file system, and the target system 180 uses a UNIX file system"; and C7:L12-27, wherein this reads over "[t]he first directory structure 400 can be implemented on a UNIX file system"}; and

storing in the data structure a second anchor point {See CLERAUX, C5:L56-60, wherein this reads over "an internal database for the file information" and C62-65, wherein this reads over "the emulation library 220 will access its internal database to retrieve the information for that special UNIX file"} that references the second directory {See CLERAUX, C7:L22-25, wherein this reads over "since the file or the directory is not on the target system 180, a pointer 402 is provided in place of the file or directory"}, said second directory implemented on a second filesystem type different than the first {See CLERAUX, C6:L11-21, wherein this reads over "the host system 190 uses a Win32 file system, and the target system 180 uses a UNIX file system"; and C7:L12-27, wherein this reads over "the second directory structure 401 can be implemented on a Win32 file system"}.

CLERAUX discloses a system wherein hard links and soft links are used in accessing files and directories of various filesystems such as Win32 and UNIX systems. Specifically, the files and directories of one filesystem (e.g. UNIX) may be used in second filesystem (e.g. Win32) by accessing the files and directories of the UNIX system through an emulation method. Said files are accessed by accessing a

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database of hard links and soft links (i.e. anchor points) such that the same file or directory (i.e. data structure) may be accessed by a plurality of different filesystems.

12. **As per dependent claim 2**, CLERAUX discloses:

The method of claim 1, wherein the object is a file {See CLERAUX, C7:L21-25, wherein this reads over "the file or the directory"}.

13. **As per dependent claim 3**, CLERAUX discloses:

The method of claim 1, wherein the object is a directory {See CLERAUX, C7:L21-25, wherein this reads over "the file or the directory"}.

14. **As per dependent claim 4**, it would be inherent to the claimed invention that wherein the directory is found in a filesystem, the directory is of the first filesystem implementation.

15. **As per dependent claim 5**, CLERAUX discloses:

The method of claim 4, wherein the first link {See CLERAUX, C7:L22-25, wherein this reads over "since the file or the directory is not on the target system 180, a pointer 402 is provided in place of the file or directory"} from the first directory to the object is a directory link {See CLERAUX, C7:L21-25, wherein this reads over "the file or the directory"}.

the second link {See CLERAUX, C7:L22-25, wherein this reads over "since the file or the directory is not on the target system 180, a pointer 402 is provided in place of the file or directory"} from the second directory to the object is a file link {See CLERAUX, C7:L21-25, wherein this reads over "the file or the directory"}.

16. **As per dependent claim 6**, CLERAUX discloses:

The method of claim 1, further comprising the steps of:

receiving a request for information about the first link {See CLERAUX, C5:L44-46, wherein this reads over "the OS 61.1 detects that needed information is not in memory"}; and

in response to the request, using the first anchor point when retrieving the information {See CLERAUX, C5:L55-65, wherein this reads over "the server process 221 queries the emulation library"}.

17. **As per dependent claim 7**, CLERAUX discloses:

The method of claim 1, further comprising the steps of:

receiving a request for information about the object {See CLERAUX, C5:L44-46, wherein this reads over "the OS 61.1 detects that needed information is not in memory"};

selecting the first anchor point instead of the second anchor point to respond to the request {See CLERAUX, C5:L62-65, wherein this reads over "if the requested file is a special UNIX

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file, such as a device file, the emulation library 220 will access its internal database to retrieve information for that special UNIX file”}.

18. **As per dependent claim 28**, CLERAUX discloses:

The method of claim 1, wherein the second filesystem type is a newer version of the first filesystem type {See CLERAUX, C1:L29-50, wherein this reads over “Windows NT uses Win32 file systems, such as FAT, or NTFS”}.

19. **As per dependent claim 29**, CLERAUX discloses:

The method of claim 28, wherein the second filesystem type is NTFS, and the first filesystem type is FAT32 {See CLERAUX, C1:L29-50, wherein this reads over “Windows NT uses Win32 file systems, such as FAT, or NTFS”}.

20. **As per dependent claim 30**, CLERAUX discloses:

The method of claim 1, wherein the first and second filesystem types are associated with different operating systems {See CLERAUX, C55:L19-25, wherein this reads over “if the host file system format is a Win32 file system and the target file system format is a UFS file system”}.

21. **As per dependent claim 31**, CLERAUX discloses:

The method of claim 30, wherein the first filesystem type is associated with an HP-UX system, and the second filesystem type is associated with a Windows operating system {See CLERAUX, C55:L19-25, wherein this reads over “if the host file system format is a Win32 file system and the target file system format is a UFS file system”}.

The Examiner notes that the Unix filesystem of Cleraux would read upon the HP-UX system recited in the present claim since the HP-UX system is simply a proprietary variant of a Unix filesystem.

Response to Arguments

22. Applicant's arguments with respect to claim rejections in view of DeLorme et al have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Kim
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Supervisory Patent Examiner, Art Unit 2169